



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Social Work  
Supervisor (C0845U), Hunterdon  
County

CSC Docket No. 2018-2630

Appointment Waiver Request

**ISSUED:** September 24, 2018 (RE)

Hunterdon County (Hunterdon) requests permission not to make an appointment from the August 28, 2017 certification for Social Work Supervisor (C0845U).

The record reveals that Hunterdon provisionally appointed Susan Nekola, pending open-competitive examination procedures, to the title of Social Work Supervisor, effective May 16, 2016. As a result of the provisional appointment, an examination was announced with a closing date of November 16, 2016. Five applicants applied for the subject examination that resulted in a list of four eligibles with an expiration date of March 15, 2019. The subject list was certified three times, but no appointments were made. Hunterdon took no action to obviate the need for the examination at the time of the announcement or prior to the administration of the examination. On August 28, 2017, the names of the four eligibles were certified from the eligible list, and Nekola appealed her ineligibility for the examination. In *In the Matter of Susan Nekola* (CSC, decided November 1, 2017), the Commission denied her appeal. Hunterdon did not return the certification despite receiving a Notice of Violation on January 2, 2018 and a Salary Disapproval Letter dated February 6, 2018. Instead, in early March 2018, Hunterdon filed a request for reconsideration after the allotted 45-day timeframe from the date of issuance of the Commission's decision, and was informed in a letter dated March 19, 2018 that the request was time-barred. On March 31, 2018, Nekola was separated from her provisional position, and on April 1, 2018 she was hired as a County Division Head in an unclassified appointment. According to an

organizational chart, Nekola supervises three Social Workers, Aging, and an Adjuster.

Currently, Hunterdon states that it believes that Nekola was the “right person with the proper qualifications” to fill the position, and it created a new Division of Social Work Services, and folded in the Adult Protective Services Unit, the unit to which Nekola was assigned. As a result, the Social Work Supervisor position was eliminated. It states that County needs have changed, and it acted on the recommendations of the 2018 Human Services Needs Assessment (a copy of which was not provided), and the change was approved by the Hunterdon County Board of Chosen Freeholders and included in the 2018 budget. It argues that it communicated with Agency Services and acted in good faith when it removed Nekola from the position of Social Work Supervisor upon the exhaustion of her appeal rights. For this reason, it requests that an appointment waiver be granted and a fee not imposed. In a supplement to the request, Hunterdon requests that Nekola be added to the eligible list for Social Work Supervisor. Hunterdon’s request for an appointment waiver was acknowledged, and it was advised that if its request were granted, it could be assessed for the costs of the selection process in the amount of \$2,048. Personnel records reveal that there are no employees serving provisionally in the title Social Work Supervisor with Hunterdon.

The job specification for Social Work Supervisor indicates that an individual in that title supervises a group of professional and paraprofessional social service staff involved in the identification of complex social problems and the administration of social service programs designed to assist active, former, and potential welfare clients. There is no job specification available for County Division Head.

## CONCLUSION

In accordance with *N.J.S.A. 11A:4-5*, once the examination process has been initiated due to the appointment of a provisional employee or due to an appointing authority’s request for a list to fill a vacancy, the appointing authority must make an appointment from the resulting eligible list if there are three or more interested and eligible candidates. The only exception to this mandate may be made for a valid reason such as fiscal constraints.

In the instant matter, the examination for the title of Social Work Supervisor was generated as a result of the provisional appointment of Nekola. After a complete certification was issued, Hunterdon waited for a Commission determination regarding Nekola’s ineligibility and then attempted to assist her in filing for reconsideration. It did not mention fiscal constraints, but decided to establish a new unit, create an unclassified position of County Division Head, abolish the position of Social Work Supervisor, and provide Nekola with a raise and

a promotion to County Division Head the day after it separated her from the provisional position. Hunterdon was asked to have Nekola complete a Position Classification Questionnaire, which she did. It was reviewed by the Division of Agency Services which determined that Nekola was not performing the duties of a Social Work Supervisor. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

Although the appointment waiver is granted, both N.J.S.A. 11A:4-5 and N.J.A.C. 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the Civil Service system are two of the primary activities of this agency, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have needlessly expended their time, effort and money to take these examinations in hopes of being considered for a permanent appointment. In the instant situation, the appointing authority reorganized the unit so that the subject title was one it did not utilize. Thus, although the request for a waiver is granted, it is appropriate that the appointing authority be assessed for the costs of the selection process.

### ORDER

Therefore, it is ordered that the appointment waiver be granted and selection costs in the amount of \$2,048 be assessed.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 20<sup>th</sup> DAY OF SEPTEMBER, 2018



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